

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 6, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:34 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Lori Wissler and Dianne Moran, Planning and Zoning Officers.

**Pledge of Allegiance**

Mr. Seeds led in the recitation of the Pledge of Allegiance.

**Approval of Minutes**

Mr. Crissman made a motion to approve the minutes of the November 14, 2006, and November 22, 2006 workshop meetings, and December 5, 2006 business meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

**Public Comment**

There was no public comment presented.

**Chairman & Board Members' Comments**

Mr. Hawk noted that Aaron Zimmerman, from Boy Scout Troop 36 of St. Margaret Mary's Church in Penbrook, was present to work on his Citizenship Badge. Mr. Zimmerman was accompanied to the meeting by his father, Doug Zimmerman.

**Manager's Report**

Mr. Wolfe explained that the Township's Greenway Planning Committee is holding the second of three public meetings at this time at the Municipal Center. He noted that the five-

member committee, with the assistance of services provided by a consulting firm, is tasked to identify and evaluate potential greenway locations and establish priorities for development of greenways in the community. He noted that the key issues to be addressed by the Committee are bicycles and pedestrian mobility, which are a component of the Township's 2004 Comprehensive Plan. He noted that the Committee has worked for the past nine months under the direction of staff liaisons Brian Luetchford and William Weaver. He noted that the third public meeting will be held on April 3, 2007 at 7:30 p.m. at the Township Municipal Center.

Mr. Wolfe noted that the Friendship Community Center will conduct the 4<sup>th</sup> Annual Family Night on Sunday, March 4<sup>th</sup> from 5 p.m. to 8:30 p.m. He noted that the Center will remain open later to provide fun and activities in a family environment.

Mr. Wolfe noted that the Township Police Department is accepting applications for its Citizen's Police Academy. Classes will begin on March 14, 2007, and the class size is limited to 20 students, and attendees must be 18 years or older to participate. He noted that the Academy is taught by Township police officers and the course work will focus on the following:

Presentations by the Dauphin County Crises Response Team, Drug Task Force, Accident Reconstruction Team, and Forensic Team. It will also include training on the In-Step Program for Speed and Traffic Control, tours of the Dauphin County Prison and 911 Communications Center. In addition, a demonstration on firearms training will be included as well as instructions on patrol and criminal investigation tactics. He noted that applications are available from the Police Department and Township website, and the deadline to apply is February 6, 2007.

### **OLD BUSINESS**

#### **Resolution 07-05; Indicating the Township's position regarding Earned Income Tax collection issues that it has with the Capital Tax Collection Bureau**

Mr. Wolfe explained, that as a member of the Township's Audit Committee, he has been diligently working on issues that the Township has with the Capital Tax Collection Bureau,

(CTCB) for some time. He explained that the Resolution lists the concerns that the Township has, as determined by the Audit Committee, in regards to the collection of the Earned Income Tax (EIT) by the CTCB. He noted that the Resolution notes that CTCB is taking some steps to resolve some of those issues, and it further notes that the issues possessed by the Township are also those possessed by other members of the CTCB, specifically the members from the former Central Dauphin Area Income Tax Office (CDAITO). He noted that the Resolution includes that the CDAITO members are one in voice with regards to these issues, and they are mutually adopting their own resolutions to submit in mass to the CTCB indicating that they desire a resolution to their issues.

Mr. Blain explained that he and Mr. Crissman are members of the Audit Committee. He noted that the issues that the former members have relate primarily to distribution of funds that are collected by the CTCB. He noted that it was found that the amount of funds distributed historically versus the actual amounts of funds distributed back in the 1990's showed that the growth of distribution versus the growth rate in the Township were very similar. However, once the Township merged with the CTCB, the distribution became inconsistent, and it was less than what the actual growth rate was in the Township. He noted that taking into account the inflation rate for the Central Pennsylvania area, it would be expected that the distribution should have between 4% and 5% growth for each year, but it is more in the 2.5% to 3% range. He noted that this results in a difference of \$75,000 per year, and over a five-year trend, this would result in a significant amount of loss in dollars.

Mr. Blain explained that the Audit Committee shared their concerns with the Central Dauphin School District, and found that they were encountering similar inconsistent distributions. He noted that they had received too much of a distribution and it had to be taken back. He noted that they felt that they should have seen an increase in the growth rate as well. He noted that Swatara Township Finance Committee also voiced some concerns regarding their

distributions. Mr. Blain noted that for the year 2006, the distribution decreased for all three entities. He noted that this does not make sense with the higher inflation rate and increased income rates for the citizens living in the Township.

Mr. Blain explained that this was the reason he called a meeting of all the former CDAITO members to discuss these issues and to seek some answers from CTCB by way of each municipality passing their own Resolutions.

Mr. Blain explained that the Central Dauphin School District is the largest member of the CTCB, with Lower Paxton Township being the third largest member out of 70 different entities.

Mr. Crissman noted that CTCB has an unidentified pool of funds that have not been distributed to the municipalities, and there is concern as to how those funds will be distributed. He noted that this would have an impact on all the municipalities, and he noted that he is happy that the municipalities are working together to request accurate accounting of the funds. He noted that, as a Supervisor, he must be a good steward of the public's funds.

Mr. Blain moved to approve Resolution 2007-05; indicating the Township's position regarding Earned Income Tax collection issues that it has with the Capital Tax Collection Bureau as identified in the Resolution. Mr. Crissman seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-09; Indicating the Township's support for the proposed  
Dauphin County Heroes Grove Project

Mr. Hawk explained that Representative Ronald Marsico is a significant force behind the Heroes Grove Project that is designed to honor heroes to include civilians, veterans, law enforcement officers, fire fighters, and emergency personnel. He noted that this Resolution would indicate the Township's continued support for that project.

Mr. Wolfe noted that Representative Marsico requested the Board members to take action on this Resolution to indicate their support, and both the Board members, and staff members

have participated in the planning of this facility for more than one year. He noted that it would be a Dauphin County operated facility that is proposed to be located in Lower Paxton Township.

Mr. Hawk noted that the actual memorial will be constructed when sufficient funds have been raised.

Mr. Crissman moved to approve Resolution 2007-09; indicating the Township's support for the proposed Dauphin County Heroes Grove Project. Mr. Blain seconded the motion, and a unanimous voice vote followed.

### **NEW BUSINESS**

#### **Resolution 07-06; Amending and restating Resolution 06-39 as it relates to the transfer of a liquor license to Hoss's Steak and Sea House, Inc. at 4220 Linglestown Road.**

Mr. Wolfe explained that the Resolution that was previously approved by the Board members provided for the transfer of the liquor license to Hoss's Steak and Sea House, Inc., but it was returned to the applicant by the Pennsylvania Liquor Control Board because the applicant did not state completely the proper name of the entity receiving the liquor license. He noted that the proper name should have been Hoss's Steak and Sea House, Inc. sole member of applicant Patchway Holdings, LLC. He noted that the applicant requests the Township to amend the Resolution to include the proper name of the applicant. He requested Board members to adopt the new Resolution to amend Resolution 06-39 to include the proper name for the applicant.

Mr. Seeds questioned if the tract of land is located east of Hollywood Video. Ms. Wissler answered that the land is located directly behind the Sheetz store. Mr. Blain noted that it would be located north on Colonial Road.

Mr. Crissman moved to accept Resolution 2007-06; Amending and restating Resolution 2006-39 as it relates to the transfer of a Liquor License for Hoss's Steak and Sea House, Inc. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-11; Amending the Township's PA Act 537 Sewage Facilities Plan

Mr. Wolfe explained that the purpose of this Resolution is to authorize the submission of a past activity report to the Pennsylvania Department of Environmental Protection (DEP) so, once approved by DEP, amendments can be prepared to the Act 537 Sewage Facilities Plan. He noted that, as part of the submission, there is a cost proposal to prepare the amendment of the Act 537 Sewage Facilities Plan that will be considered by DEP, and if DEP approves the text activity report, it will pay 50% of the costs for the planning process.

Mr. Wolfe noted that Mr. Weaver and Ms. Reese, from CET Engineering Services, are present to answer any questions you may have.

Mr. Weaver explained that the Lower Paxton Township and Susquehanna Township Authorities met as a joint authority because the Lower Paxton Township Authority's Second Consent Decree required a decision for the Paxton Creek Drainage Basin by June of 2007. He noted that CET Engineering recognized, in order to prepare the alternatives, that a Task Activity Report would be required that would allow each authority to receive its reimbursement from DEP. He explained that Mr. Wendle prepared a schedule for the Resolution to be prepared by Susquehanna and Lower Paxton Townships, with each Board to act upon the Resolution at their board meetings. He noted that this action would allow CET Engineering to prepare alternatives for analyzing the most cost effective alternative for limiting the overload in the Paxton Creek Basin. He noted that there is a small task involved in the unsewered area to the northeast of the Township as part of the original Act 537 Plan. He noted that alternatives must be looked at in the area of the Mt. Lou San Bible Camp before the camp expends funds for further expansion. He noted that he, along with Mr. Wolfe and Mr. Wendle, met with the representatives from Mt. Lou San Bible Camp and determined the need to include this in the Task Activity Report.

Ms. Reese noted that she is in support for both of the areas for the Task Activity Report. She noted that it is good to work out what the activities need to be in order to come to a cost-

effective alternative. She noted that she would meet with DEP to review the report, and would develop the plan in a cost-not-to-exceed manner, but if it would go over, then she would suggest a change of scope or direction for the Township Authority.

Mr. Crissman expressed his thanks to Ms. Reese and Mr. Weaver in their efforts to work with the various state agencies.

Mr. Crissman made a motion to accept Resolution 07-11; amending the Township's PA Act 537 Sewage Facilities Plan as presented by Mr. Weaver and Ms. Reese. Mr. Blain seconded the motion, and a roll call vote followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

#### Final subdivision for Montrail, Phase I

Ms. Wissler noted that the purpose of the plan is to subdivide Phase I into 26 lots along with related public improvements. Phase I consists of 13.3332 acres, is located north of Union Deposit Road, and east of the Central Dauphin School District, and will be served by public water and public sewer. The property was rezoned from R-1, Low Density Residential District to the TRND, Traditional Residential Neighborhood District.

Ms. Wissler noted that on March 23, 2006, the Zoning Hearing Board granted a variance from the minimum lot width requirement conditioned upon the applicant designating the area proposed for dedication as perpetual open space/recreational area.

Ms. Wissler noted that on January 10, 2007, the Planning Commission recommended approval of the plan subject to addressing the review comments.

Ms. Wissler noted that Mr. Jeff Staub was present to represent the plan.

Mr. Crissman noted that the waivers have been previously approved; therefore he questioned if the only items to be approved were the general, site specific and staff comments. Ms. Wissler answered that that was correct, noting the correction that the HRG, Inc, comments should be dated January 31, 2007 rather than February 2, 2007.

Mr. Crissman questioned Mr. Staub if he agreed with the two site specific comments, noting the correction to the date of HRG, Inc. comments, the seven general comments, and three staff comments. Mr. Staub noted that he was in agreement to the above listed comments.

Mr. Seeds questioned if the land owner will continue to permit the Central Dauphin School District to use the trails located on the property. Mr. Staub answered that they would. He noted that there is a cross-county course that is located in the proposed open space area. Mr. Seeds questioned if the residents would be permitted to use the trails also. Mr. Staub noted that that was correct, noting that there was a verbal agreement to develop a written agreement.

Mr. Crissman made a motion to approve the final subdivision plan 2006-34 for Montrail, Phase I, with the following comments: 1) All conditions of the preliminary plan shall be complied with as per the preliminary plan approval; 2) Plan approval shall be subject to addressing HRG's comments dated January 31, 2007; 3) Plan approval shall be subject to providing original seals and signatures; 4) Plan approval shall be subject to the payment of the engineering review fees; 5) Plan approval shall be subject to PENNDOT's review and approval of a Highway Occupancy Permit; 6) Plan approval shall be subject to obtaining the necessary permits required by Federal and State agencies for the disturbance of wetlands; 7) Plan approval shall be subject to Lower Paxton Township Sewer Authority's review and approval of the sanitary sewer design; 8) Final plan approval will be subject to the payment of fee-in-lieu for 26 lots at \$2,300; 9) Final plan approval will be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 10) A Street/Storm Sewer Construction Permit is required; and 11) All proposed signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance.

Mr. Blain seconded the motion.

Mr. Hornung noted that item number three under staff comments, to provide a safe stopping distance report, was a comment he had not noticed before. Ms. Wissler noted that that



should have been eliminated as it was part of the preliminary plan, and it was already provided. Mr. Wolfe questioned if this was for the Union Deposit Road intersection or within the development. Ms. Wissler answered that it concerned the areas throughout the development. Mr. Staub noted that it was requested by the Board members for each driveway. He noted that the report contained a list of each driveway and listed the immediate site distances.

Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye, and Mr. Hawk, aye.

#### Final subdivision for Stray Winds Farm, Lots 1 & 2

Ms. Wissler noted that the sole purpose of this plan is to subdivide existing Lot #1 and Lot #2. Currently Lot #1 consists of 2.88 acres and Lot #2 consists of 46.35 acres. The total tract area to be developed is approximately 49.23 acres. Lot #1 will be 20.56 acres and Lot #2 will be 28.67. The lots are primarily located in Susquehanna Township; however, a small portion of the tract of land is located in Lower Paxton Township. For that reason, the plan must be reviewed and approved by the Planning Commission and the Board of Supervisors. She noted that the lots will be sold to the Catholic Diocese of Harrisburg to build St. Margaret Mary's Church.

Ms. Wissler noted that on January 10, 2007, the Planning Commission recommended approval of the plan and the requested waivers. The Susquehanna Township Board of Commissioners approved the plan in January 2007.

Mr. Crissman made a motion to approve the final/subdivision plan 2006-43 for the Stray Winds Farm, Lots 1 and 2 with the following waivers and comment: 1) Waiver of the requirement to provide curb, sidewalk and road widening along the frontage of existing streets; 2) Waiver of the preliminary plan requirement, and 3) Plan approval shall be subject to providing original seals & signatures on the plan. Mr. Blain seconded the motion, and a roll call vote

followed: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye, Mr. Seeds, aye, and Mr. Hawk, aye.

Extension of the preliminary subdivision plan approval for Huntleigh  
Extension of the preliminary subdivision plan for approval Autumn Ridge

Mr. Wolfe explained that these two extensions for the phasing schedule for the Huntleigh and Autumn Ridge subdivision plans were tabled from the January 16<sup>th</sup> meeting due to questions the Board members had regarding their requirement to grant an extension for these plans. He noted that Mr. John Kerschner, representing Fine Line Homes, is in attendance.

Mr. Wolfe noted that, for the Huntleigh plan, the phasing schedule is requested to be increased by one year for the remaining phases. He noted for the Autumn Ridge plan, the request is to extend Phase IV from 2007 to 2008. He noted that the Autumn Ridge plan is covered by a legally binding agreement between the Township and other parties, and the Huntleigh request is totally up to the discretion of the Supervisors.

Mr. Stine noted that under normal circumstances, the request would always be discretionary, but due to the Beaver Creek Basin situation, it offers Autumn Ridge the right for extensions for every year that the sewer limitation is in place. He noted that this was not part of the agreement with the Huntleigh plan. He noted that Municipalities Planning Code (MPC), Section 508, provides for in the event there is a moratorium imposed, after a development plan is submitted, then they would be entitled to an extension. He noted that the Huntleigh plan came after the limitation was imposed, and as such, are not entitled to any protection under the MPC.

Mr. Seeds noted that he did not think that the Board members have ever denied permits. Mr. Wolfe noted that this is not a permit issue, but rather a delay issue. He noted that delays in the Autumn Ridge plan began at the very beginning due to the Township's litigation with a large number of parties due to the sanitary sewers. He noted that those delays provided for certain developers, who had filed suit, to have the option of plan phasing extensions written into the

settlement agreements. Mr. Stine noted that the only issue is if a connection limitation is still in place, and the answer to that is yes.

Mr. Crissman questioned what the recommendation from staff was. Mr. Wolfe answered that it is staff's opinion that both extensions should be granted. Mr. Seeds suggested that the Township would lose funds for the fee-in-lieu. Mr. Wolfe noted that the Township does not have the ability to not approve the request. Mr. Wolfe noted that for the Huntleigh plan, there were negotiations with the developer in which he paid not only a fee-in-lieu; he also provided land for recreation purposes.

Mr. Crissman moved to accept the extension of the preliminary subdivision plan for Huntleigh 2003-34, and extension of the preliminary subdivision plan for Autumn Ridge 1993-47. Mr. Blain seconded the motion, and a unanimous vote followed.

Resolution 07-07; Acceptance of streets offered for dedication in Old Iron Estates, Phase III

Ms. Wissler requested that Resolution 07-07 be tabled and pulled from the agenda. Mr. Hawk noted that this was pulled from the agenda.

Resolution 07-08; Acceptance of streets offered for dedication in Old Iron Estates, Phase IV  
Resolution 07-10; Acceptance of Lancer Street east of Earl Avenue

Ms. Wissler noted that everything is in order for the street dedication for Farmcrest Lane, and noted that the maintenance bond must be approved also.

Mr. Seeds questioned where the extension was located for Lancer Street. Ms. Wissler answered that it was the part that would connect the Wilshire Development with Lancer Street. Mr. Blain noted that the extension road is already there. Ms. Wissler noted that there is no need for a maintenance bond for the Lancer Street dedication since the Township is requesting the street dedication. Mr. Wolfe explained that this is an acquisition of a public right-of-way by the Township from a private party. He noted that Lancer Street is private property, and the Township wants to include it as part of the public transportation network due to the development

contemplated to the east. He noted that the developer has graciously allowed the Township to acquire the property for \$1, and accept Lancer Street as part of the public domain; therefore, the developer is not required to provide a maintenance bond.

Mr. Crissman questioned if staff recommends approval for Resolution 07-08 and 07-10. Mr. Wolfe noted that in regards to Lancer Street, it was staff's idea to acquire the street.

Mr. Crissman made a motion to approve Resolution 07-08 accepting the street offered by Old Iron Estates, Phase IV, to include the action on the maintenance bond, and Resolution 07-10, acceptance of Lancer Street east of Earl Avenue as presented by staff. Mr. Blain seconded the motion, and a unanimous vote followed.

### **IMPROVEMENT GUARANTEES**

#### **Integrity Bank – Colonial Road**

A reduction in a letter of credit with Integrity Bank in the amount of \$29,150.00 with an expiration date of April 5, 2007.

#### **Integrity Bank – Allentown Boulevard**

A reduction in a letter of credit with Integrity Bank in the amount of \$1,320.00 with an expiration date of April 5, 2007.

#### **Autumn Ridge, Phase II**

A reduction in a letter of credit with Fulton Bank in the amount of \$2,442.00 with an expiration date of December 17, 2007.

#### **Hathaway Holdings, LLC**

An extension in a letter of credit with The First National Bank of Marysville in the amount of \$2,505.00 with an expiration date of March 30, 2008.

#### **Dunkin Donuts/Baskin Robbins**

An extension and increase in a letter of credit with Commerce Bank in the amount of \$38,877.30 with an expiration date of March 17, 2008.

Chateau Woods – Kings Pointe

An increase in a letter of credit with Integrity Bank in the amount of \$7,838.25 with an expiration date of March 9, 2008.

Hearthside East

An extension in an escrow with Lower Paxton Township in the amount of \$22,233.75 with an expiration date of March 4, 2008.

Meadowview Village

An extension in a bond with Lexon Insurance Company in the amount of \$124,866.55 with an expiration date of March 27, 2008.

Meadowview Village – Office Building

An extension in a bond with Lexon Insurance Company in the amount of \$36,745.50 with an expiration date of March 27, 2008.

Mr. Seeds had a question regarding the Meadowview Village Improvement Guarantee. He noted that residents from the development attended several meetings to voice their concerns, and he suggested that some of those issues still exist. He noted that many people had ramps added to their driveways, but some are missing. He noted that the wearing course was not completed. Ms. Wissler noted that the complaints came from the residents of the older section, and this was taken care of. She noted that the request is for the newer section that needs to be completed. She noted that Mr. Miller reported that some progress is being made, but many things cannot be completed until the spring. Mr. Seeds questioned if the improvement guarantee reduction is for the new section. Ms. Wissler noted that it is for the entire site, and the part that the residents complained about was taken care of. She noted that the money for that area was released, and the only concern the residents have is that they do not want the trail through the area. Mr. Seeds noted that many people have ramps from the wearing course up to their driveways. Mr. Blain suggested that Mr. Seeds does not believe that all the work that needs to

be completed to satisfy the residents has been completed. Ms. Wissler noted that the improvement guarantee was not released, but reduced for some of the work that was completed. Ms. Wissler suggested that this improvement guarantee could be tabled and she would obtain more information for the Board members.

Mr. Blain made a motion to approve both Integrity Bank; Autumn Ridge, Phase II; Hathaway Holdings, LLC; Dunkin Donuts/Baskin Robbins; Chateau Woods, Kings Pointe; Hearthside East; and the Meadowview Village Office Building Improvement Guarantees, and to table the Meadowview Village Improvement Guarantee. Mr. Crissman seconded the motion, and a unanimous voice vote followed.

#### **Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

#### **Adjournment**

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary